Secretary Flemming was asked about governmental "authority over tobacco" during a panel-type radio interview.

Radio Reports, Inc.
December 13, 1959

College News Conference at 1:00 P.M. over WMAL-TV (Washington) and the ABC-TV Network:

Mr. Arthur S. Flemming, Secretary of Health, Education and Welfare, was seen on the TV screen as he was interviewed by a panel of students.

QUESTION: "Well, if the HEW more or less disapproves the use of any cancer-producing additive or product, then why haven't cigarettes been taken off of the market or why have they not received a great deal of this disapproval?"

FLEMMING: "This is a very good question and points up the relationship of the Department and particularly the Public Health Service to what is certainly a very controversial issue. I would say -- I should say first of all that we do not have and authority to take cigarettes off the market. They are not a part of the authority that is vested in the Food and Drug Administration."

QUESTION: "Who has authority over tobacco?"

FLEMMING: "Well, no one has authority to take it off the market, and I think if we stopped to analyze the situation, we can't help but realize that really we're dealing with two different types of situations. After all, if a substance is used in such a manner as to find its way into a food item, there isn't anything the consumer can do about it by himself. He goes in and buys the food item without realizing that he is possibly buying an item of food which includes a substance that may induce cancer.

"Now as far as smoking, or as far as cigarettes are concerned, no one is required by the necessities of life to purchase cigarettes. Now you asked why in effect we hadn't taken a position relative to the smoking issue. Just a few weeks ago the Surgeon General of the United States, who is the head of the Public Health Service, published in the Journal of the American Medical Association an article which I think summarized very effectively the studies that have been made in this area, some studies pointing to the fact that smoking is a factor in lung cancer, and other studies pointing in the opposite direction.

"The Public Health Service has an obligation to identify a public health issue of this kind. It has an obligation to present the facts as it sees them to the public. And then at the conclusion of this article, the Surgeon General stated his own conclusions regarding this matter. He has been attacked for his conclusions, but in my judgment he did the right thing in stating his conclusions. I think the American people should keep in mind the fact that when the Surgeon General states conclusions of that kind, they are receiving those conclusions from a man and from a service that has just one objective in life, and that is to protect the health of the American people and to prevent disease.

(more)

1003543528

Source: https://www.industrydocuments.ucsf.edu/docs/tmcm0000

"Now he identified the fact that there has been a sharp incidence in lung cancer -- that is, an increase in the number of of cases in relation to the population -- and he arrived at the conclusion on the basis of all of the evidence, possibly the principal contributing factor to this increase in lung cancer is smoking. I admire him for stating his conclusion, and on the basis of my own conclusions only after carefully balancing the evidence and then stating in just as frank a manner as he could his conclusions, and I feel they are entitled to a great deal of respect."

QUESTION: "Mr. Secretary, if it is proven that cancer is caused in part by cigarettes, do you feel that there should be an authority in the government which has the power to take such a harmful product off the market?"

FLEMMING: "No, as I've already indicated, I feel that the situation is quite different, because of the fact that the American people, as I've indicated, are entitled to the facts, and they're to the conclusions of a service such as the Public Health Service, based on those facts. But then it weems to me that the American people have the right to analyze the facts, analyze the conclusions of the Surgeon General, and the conclusions of others who differ from the Surgeon General, and then make their own decision as to what they are going to do."

1003543529

Source: https://www.industrydocuments.ucsf.edu/docs/tmcm0000